



8-8-01

PCT

533 Rec'd PCT/PTO 07 AUG 2001

PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)Docket Number
34691.237685First Named Inventor: Peter Kuhn
Application No.: PCT/DE/99/02688

09/807949

Confirmation No.:

Filed: August 27, 1999

Group Art Unit:

Title: AXIAL PISTON MOTOR

Examiner:

RECEIVED

JAN 07 2002

TECH CENTER 1600/2900

Attention: International Division, PCT Legal Staff
Box PCT
Commissioner for Patents
Washington, DC 20231

The above-identified application became abandoned as to the United States because the elements noted at 35 U.S.C. § 371(c) were not filed prior to the expiration of the applicable time limit noted at 37 CFR 1.494(b) or (c) or 37 CFR 1.495(b) or (c). The date of abandonment is March 3, 2001 (i.e., the day after the date on which the 35 U.S.C. § 371(c) requirements were due; see CFR 1.494(g) or 1.495(h)).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper response
- (3) Terminal disclaimer with disclaimer fee--required for all applications filed before June 8, 1995; and
- (4) statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity - fee \$620.00 (37 CFR 1.17(m))
- ☐ Small entity statement enclosed herewith.
- ☐ Small entity statement previously filed.
- ☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proper response

A. The proper response (the missing 35 U.S.C. § 371(c) requirements) in the form of the filing fee and a continuation application (identify type of response):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

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3. Terminal Disclaimer with disclaimer fee

☒ Since this utility/patent application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

4. Statement. The entire delay in filing the 35 U.S.C. 371(c) requirements from their due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Where a petition under 37 CFR 1.137(b) is not filed within three months from the mail date of any notice of abandonment, explain (on an attached sheet) in detail the cause of the delay in filing the petition.

August 7, 2001
Date

[Signature]
Signature

Customer No. 00826

Alston & Bird LLP

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Charlotte, NC 28280-4000

Tel Charlotte Office (704) 444-1000

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Enclosures: ☒ Response
☒ Fee Payment
☐ Terminal Disclaimer Form
☐ Small Entity Status Form
☐

Certification under 37 CFR 1.10 (if applicable)

EL 910498077 US
"Express Mail" label number

August 7, 2001
Date of Deposit

I hereby declare that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Elaine Kelly
Typed or printed name of person mailing correspondence

Elaine Kelly
Signature of person mailing correspondence